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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 Jerry David AGUILAR,

12 Plaintiff,

13 v.

14 Darryl BATES, et al.,

15 Defendants.
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Case No.: 15-cv-2446-MMA-AGS

**ORDER DENYING PLAINTIFF'S
REQUEST FOR COUNSEL
(ECF No. 47)**

17 Pro se plaintiff Jerry Aguilar, who is incarcerated, moves for appointed counsel on
18 the ground that the “issues are complex and require counsel to investigate” and because he
19 “is not aware of all the court[’]s time frame ordered.” (ECF No. 47, at 1.)

20 “Generally, a person has no right to counsel in civil actions.” *Palmer v. Valdez*, 560
21 F.3d 965, 970 (9th Cir. 2009) (citation omitted). But the court “may” appoint counsel for
22 an indigent civil litigant under 28 U.S.C. § 1915(e)(1), upon a showing of “exceptional
23 circumstances.” *Palmer*, 560 F.3d at 970 (citation omitted). “When determining whether
24 ‘exceptional circumstances’ exist, a court must consider ‘the likelihood of success on the
25 merits as well as the ability of the petitioner to articulate his claims *pro se* in light of the
26 complexity of the legal issues involved.’” *Id.* (citation omitted).

27 Although Aguilar argues that his case is complex, it appears to be relatively
28 straightforward. He alleges a single claim: that prison officials were deliberately indifferent

1 to his seriously injured ankle. (ECF No. 19, at 16.) And Aguilar has thus far shown that he
2 is capable of litigating this claim on his own. In his 18-page amended complaint, Aguilar
3 set forth in a clear and logical manner not only the supporting facts, but also relevant
4 Supreme Court and Ninth Circuit caselaw. (*Id.* at 1-18.) He also attached 150 pages of
5 exhibits to that amended complaint, which suggests he has already obtained a wealth of
6 relevant evidence without the aid of an attorney. (*See id.* at 19-168.)

7 Aguilar also protests that he is unaware of “the court[’]s time frame ordered,” (ECF
8 No. 47, at 1), but the only then-pending deadline was the Court’s order that the parties file
9 a Joint Discovery Plan by September 7, 2017. (ECF No. 43, at 1.) Aguilar timely filed a
10 motion to extend that deadline, which the Court is granting in a contemporaneous order.
11 Aguilar has thus far complied with all scheduled court deadlines, and this does not
12 constitute a basis for appointed counsel either.

13 As Aguilar has not shown exceptional circumstances, his motion for appointed
14 counsel is **DENIED**.

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16 Dated: September 21, 2017

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18 Hon. Andrew G. Schopler
19 United States Magistrate Judge
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